

REMARKS

In the application claims 54-80 remain pending. Claims 1-53 have been canceled without prejudice. Support for pending claims 54-80 is found in the specification, claims, and figures originally filed and, as such, no new matter has been added.

It is respectfully requested that the objections/rejections set forth in the Office Action of May 10, 2004 be reconsidered in light of the amendments set forth above.

In the Office Action, the specification was objected to as having an Abstract that exceeded 150 words in length. In response, a substitute Abstract has been proposed. The entry of this Abstract into the record of the subject application and the removal of the objection is respectfully requested.

The Office Action additionally set forth an objection to the originally filed claims for failing to include a claim 49. In response, all of the previously pending claims have been cancelled in favor of new claims 54-80 which are believed to be numbered correctly. Accordingly, it is respectfully requested that this objection be withdrawn.

Still further, the Office Action rejected previously submitted claims 1-48 and 50-54 as being anticipated by Kemink (WO 0017738), as being anticipated by Goldstein (U.S. 5,410,326), as being rendered obvious by Kemink in view of Foster (U.S. 6,211,870), as being rendered obvious by Kemink in view of Foster in further view of Sakurai (U.S. 6,378,115), or as being rendered obvious by Kemink in view of May (U.S. 5,892,451). As these cited references may be applied against the now pending claims 54-80, it is respectfully submitted that the now pending claims 54-80 are allowable over Kemink, Goldstein, Foster, Sakurai, and/or May – whether considered alone or in combination.

Now pending claims 54-80 are directed to a method for selecting function codes for use in a remote control. The claimed method includes, among other things, causing at least a subset of a plurality of function code sets identified as being candidates for commanding operations of a specified type and brand of a consumer electronic device to be made available whereby a user may determine by experimentation which one of the plurality of function code sets is appropriate for commanding operations of the specified type and brand of the consumer electronic device. As described in the subject application, at page 17, lines 16-23, this method for selecting function codes – i.e., making available for testing at least a subset of a plurality of function code sets identified as being candidates for commanding operations of a specified type and brand of a consumer electronic device - *is particularly useful when the user does not have his model number available or when a model number provided is not recognized by the system.*

In contrast to this claimed invention, the system and method described in Kemink requires a user to know the model number of an appliance. To configure a remote control to command operations of an appliance, the system and method of Kemink leads a user through a sequence of links and web pages until a manufacturer's model number is found that corresponds to the consumer electronic device to be controlled, for example, television 251, and a single function code set that is appropriate to that particular model of consumer electronic device may then be downloaded into the remote control. (See page 6, lines 13+). By requiring a user to know the manufacturer's model number, it is evident that the system and method of Kemink suffers the very disadvantage the subject invention seeks to overcome. Accordingly, it is respectfully submitted that the disclosure

of Kemink cannot be said to disclose, teach, or suggest the claimed invention and the rejection of the claims must be withdrawn.

Turning now to Goldstein, it is submitted that Goldstein, like Kemink, also fails to disclose, teach, or suggest the claimed method. In this regard, Goldstein describes a system and method where a user initiates a telephone call with a database via a modem/telephone database, the database having all the required infrared codes for operating appliances manufactured by various manufacturers. Once the call has been placed, the user is verified and requested to provide a list of equipment for which infrared codes are desired. In response to the user providing the list of equipment, a set of infrared codes for each piece of equipment specified is downloaded into the remote control such that the remote control is now configured to command operations of each piece of specified equipment. (See col. 15, line 20 - col. 16, line 37). Therefore, since Goldstein fails to disclose, teach, or suggest, among other things, the claimed making available at least a subset of a plurality of function code sets identified as being candidates for commanding operations of a specified type and brand of a consumer electronic device whereby a user may determine by experimentation which one of the plurality of function code sets is appropriate for commanding operations of the specified type and brand of the consumer electronic device, it is submitted that the rejection of the claims must be withdrawn.

Turning now to Foster, it is respectfully submitted that Foster discloses a system that requires a user to first learn individual function codes from a remote control, e.g., a remote control supplied with an appliance, which learned function codes may then be transferred to a universal remote control by means of the Foster computer system. (See

col. 8, lines 1-65). Since Foster describes a system that requires the learning of function codes from another remote control, Foster cannot be said to disclose, teach, or suggest, among other things, the claimed making available at least a subset of a plurality of function code sets identified as being candidates for commanding operations of a specified type and brand of a consumer electronic device whereby a user may determine by experimentation which one of the plurality of function code sets is appropriate for commanding operations of the specified type and brand of the consumer electronic device. For this reason it is submitted that the rejection of the claims must be withdrawn.

The disclosures of the remaining cited references have also been reviewed and it is submitted that, like the references discussed above, these cited references also fail to have any disclosure that can be said to anticipate or render obvious the invention claimed. For this reason, it is submitted that the rejection of the claims must be withdrawn.

CONCLUSION

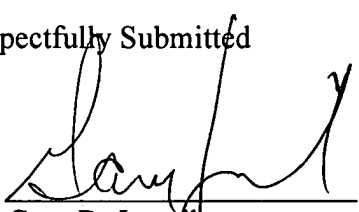
The subject application is considered to be in condition for allowance. Such action on the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fee is due, the Commissioner is hereby authorized to charge any fee deficiency to deposit account number 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted

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By:



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